



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL, CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Mark Grzan, Mayor Pro Tempore
Larry Carr, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

WEDNESDAY, JANUARY 18, 2006

AGENDA

CITY COUNCIL REGULAR MEETING

7:00 P.M.

CALL TO ORDER

(Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

National Volunteer Blood Donor Month
Mona Helmhold, Donor Recruitment Representative

CITY COUNCIL REPORT

Mayor Kennedy

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

CONSENT CALENDAR:

ITEMS 1-11 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

1. **INDOOR RECREATION CENTER PROJECT – DECEMBER CONSTRUCTION PROGRESS REPORT** 1
Recommended Action(s): Information Only.
2. **APPROVAL OF PURCHASE ORDERS TO U.S. FILTER FOR PERCHLORATE REMOVAL SYSTEMS OPERATION AT NORDSTROM AND TENNANT WELLS THROUGH JUNE 30, 2006** 9
Recommended Action(s): Authorize Issuance of Purchase Orders to U.S. Filter in the Amount of \$123,300.

Time Estimate
Consent Calendar: 1 - 10 Minutes

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| 3. | <u>LAND LEASE FOR GO KIDS AT GALVAN PARK</u> | 11 |
| | <u>Recommended Action(s):</u> | |
| | 1. <u>Approve</u> Land Lease Agreement; and | |
| | 2. <u>Authorize</u> the City Manager to Execute a Land Lease of a Portion of Galvan Park to Go Kids, a Non-Profit Corporation for the Fee of \$1.00 Per Year. | |
| 4. | <u>AMENDMENT TO CONTRACT PROVIDING PUBLIC WORKS INSPECTIONS ON AN AS-NEEDED BASIS</u> | 23 |
| | <u>Recommended Action(s):</u> | |
| | 1. <u>Approve</u> Amendment to the Contract with Testing Engineers, Inc. (TEI) to Increase the Contract Amount by \$50,000; and | |
| | 2. <u>Authorize</u> the City Manager to Execute the Contract Amendment, Subject to Review and Approval by the City Attorney. | |
| 5. | <u>ACCEPTANCE OF MONTEREY ROAD BIKE DETECTION INSTALLATION PROJECT</u> | 27 |
| | <u>Recommended Action(s):</u> | |
| | 1. <u>Accept</u> as Complete the Monterey Bike Detection Installation Project in the Final Amount of \$40,903.50; and | |
| | 2. <u>Direct</u> the City Clerk to File a Notice of Completion with the County Recorder's Office. | |
| 6. | <u>DOWNTOWN TRAFFIC CALMING – SIX MONTH REVIEW AFTER JUNE 2005 INITIAL INSTALLATION</u> | 31 |
| | <u>Recommended Action(s):</u> <u>Information</u> Only at This Time. | |
| 7. | <u>CONSULTANT AGREEMENT FOR DEVELOPMENT PROCESSING SERVICES CUSTOMER SERVICE STUDY</u> | 33 |
| | <u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute a Contract with Colgan Consulting Corporation for the Purpose of Conducting a Customer Service Study of the City of Morgan Hill's Development Processing Services; Subject to Review and Approval by the City Attorney. | |
| 8. | <u>DELTA DENTAL BENEFIT PLAN</u> | 41 |
| | <u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute Amendments to the Dental Benefit Plan. | |
| 9. | <u>SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND</u> | 49 |
| | <u>Recommended Action(s):</u> | |
| | 1. <u>Approve</u> the Fiscal Year 2005-2006 Spending Plan for the Supplemental Law Enforcement Services Fund (S.L.E.S.F.); and | |
| | 2. <u>Increase</u> the Fiscal Year 2005-2006 Police Budget within the General Fund by \$50,000 for the Cost of the Multi-Service Officer (MSO) Prisoner Transport Vehicle. | |
| 10. | <u>PURCHASE OF POLICE MOTORCYCLES</u> | 53 |
| | <u>Recommended Action(s):</u> | |
| | 1. <u>Authorize</u> the Purchase of Two (2) Motorcycles from the Huntington Beach Honda Dealership Through Reliance Upon the Competitive Bid Process for a Total Cost of \$29,104.38; and | |
| | 2. <u>Declare</u> the Two (2) Vehicles Being Replaced as Surplus and <u>Authorize</u> the Sale of these Vehicles at Auction. | |

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| Consent Calendar: 1 - 10 Minutes | |

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| 11. | | <u>ADOPT ORDINANCE NO. 1748, NEW SERIES</u>..... | 57 |
| | | <u>Recommended Action(s):</u> <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1748, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF MORGAN HILL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE 2.5% AT 55 RETIREMENT BENEFIT FOR MISCELLANEOUS EMPLOYEES. | |

OTHER BUSINESS:

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| 12. | 5 Minutes | <u>APPOINTMENT OF CITY ATTORNEY</u>..... | 65 |
| | | <u>Recommended Action(s):</u> 1. <u>Appoint</u> Janet C. Kern as City Attorney for the City of Morgan Hill; 2. <u>Approve</u> Employment Agreement; and 3. <u>Authorize</u> the Mayor to Execute Employment Agreement on Behalf of the City. | |
| 13. | 15 Minutes | <u>DEPOT STREET RECONSTRUCTION PROJECT ON-STREET PARKING</u>..... | 75 |
| | | <u>Recommended Action(s):</u> <u>Approve</u> Staff Recommended On-Street Parking Plan for the Depot Street Reconstruction Project. | |

PUBLIC HEARINGS:

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| 14. | 10 Minutes | <u>WATER-EFFICIENT LANDSCAPING ORDINANCE</u>..... | 93 |
| | | Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Amending Chapter 18.73 (Water Conserving Landscapes) of the Municipal Code. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote) | |

OTHER BUSINESS: (CONTINUED)

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| 15. | 5 Minutes | <u>RETROACTIVE FEE REVISIONS FOR SOLAR PHOTOVOLTAIC ROOF SYSTEM PERMITS</u>..... | 105 |
| | | <u>Recommended Action(s):</u> | |
| | | 1. <u>Discuss</u> Recommendation from Utilities and Environment Sub-Committee to Approve Retroactive Fee Revisions for Solar Photovoltaic Roof System Permits Issued within the Last 36 Months; and | |
| | | 2. <u>Provide Direction</u> to Staff Regarding Whether or Not to Issue Refunds. | |
| 16. | 5 Minutes | <u>APPOINTMENT TO LIBRARY, CULTURE & ARTS COMMISSION</u> | 115 |
| | | <u>Recommended Action(s):</u> | |
| | | 1. <u>Council Discussion</u> Regarding Appointment Recommendation; and | |
| | | 2. <u>Ratify</u> Mayor's Appointment to the Library, Culture & Arts Commission; Term Ending April 1, 2007. | |

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.